

REMARKS

With entry of this amendment, claims 2-17, 19-30 and 39-46 are pending. The claims have been amended to overcome indefiniteness rejections and otherwise improve clarity. No new matter has been added. Reconsideration is requested.

It is noted that the Examiner did not consider the references cited during the original prosecution and list same on a PTO-892, as indicated in MPEP 1406. In a telephonic Examiner interview held with the undersigned on January 20, 2006, the Examiner indicated that the references would not be considered unless submitted in an IDS filed with an RCE. Accordingly, an RCE and IDS with PTO/SB08 are filed herewith. It is respectfully requested that the references be considered and made of record.

The Examiner has rejected claims 2-17, 19-30 and 40-46 as containing new matter. The Examiner alleges that no support can be found for substituents that are P-containing ring compounds. This rejection is respectfully traversed for the following reasons.

The presently pending claims specify particular substituents, all of which are clearly supported in the specification. Support for the P-containing ring compounds can be found at column 16, lines 17-24. Claims 15-17 have been amended for clarity to properly recite the P-containing substituents rather than the resulting compounds. Withdrawal of the rejection is accordingly requested.

Claims 2-17, 23-30 and 40-46 have been rejected under 35 USC §112, second paragraph, as being indefinite. The claims have been amended to overcome these rejections. A clearer period has been inserted at the end of claim 40. Claims 23-30 have been amended to depend from claim 17.

Claims 17, 39 and 40 have also been amended to clarify that the recited composition is administered to the host, to remove any possible ambiguity. It is believed that the claims are free of indefiniteness rejections. Favorable reconsideration is requested.

Claims 1-30 and 39 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2-11 of U.S. Pat.

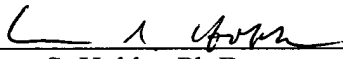
No. 5,663,209, and claims 24-32, 34-37 and 40-43 of U.S. Pat. No. 6,777,444. In order to expedite prosecution, terminal disclaimers over these patents are filed herewith.

Accordingly, withdrawal of the rejection is respectfully requested.

In light of the foregoing, Applicants submit that the application is in condition for allowance. Applicants request an early indication of allowability of the present claims.

Respectfully submitted,

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Date


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